

2009 JUL 15 PH 3:40

Practitioner's Docket No. 3104/109

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Eugene J. Alexander et al.

Application No.: 10/764,010

Group No.: 3737

Filed: January 22, 2004

Examiner: Jonathan Cwern

Mail Stop 16

Director of the U.S. Patent and Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

REQUEST FOR REFUND
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)

I. REFUND REQUEST

This is a request for a refund for the above-identified application with respect to the charge to Deposit Account 19-4972 on October 16, 2008, as shown on the Deposit Account Statement for October 2008.

II. FEES CHARGED FOR WHICH REFUND REQUESTED

	AMOUNT OF REFUND REQUESTED
Excess claims	\$52.00
TOTAL REFUND REQUESTED	\$52.00

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

Applicant filed a Supplemental Response to the Final Office Action mailed April 10, 2008 in which one extra claim was added and the fee for the one extra claim was submitted. Applicant then received an Office Action mailed January 9, 2009 in which the Examiner states:

The supplemental reply filed on 10/16/08 was not entered because supplemental replies are not entered as a matter of right except as provided in 37 CFR 1.111(a)(2)(ii).

Thus, the extra claim was not entered in this case and the extra claim fee should not be charged. Applicant respectfully requests that the charge for the extra claim be refunded.

IV. MANNER OF REFUND

Please make refund by crediting Deposit Account No.: 19-4972.

Date: July 15, 2009

/Kathryn E. Noll, #48,811/
Kathryn E. Noll
Registration No. 48,811
BROMBERG & SUNSTEIN LLP
125 Summer Street
Boston, MA 02110-1618
617-443-9292
Customer No. 75059

03104/00109 1114282.1